

## Department of Energy

## § 830.3

matter was promptly identified and corrected by the DOE contractor prior to reliance by DOE, or before DOE raised a question about the information, no enforcement action will be taken for the initial inaccurate or incomplete information. On the other hand, if the misinformation is identified after DOE relies on it, or after some question is raised regarding the accuracy of the information, then some enforcement action normally will be taken even if it is in fact corrected.

(e) If the initial submission was accurate when made but later turns out to be erroneous because of newly discovered information or advance in technology, a citation normally would not be appropriate if, when the new information became available, the initial submission was corrected.

(f) The failure to correct inaccurate or incomplete information that the DOE contractor does not identify as significant normally will not constitute a separate violation. However, the circumstances surrounding the failure to correct may be considered relevant to the determination of enforcement action for the initial inaccurate or incomplete statement. For example, an unintentionally inaccurate or incomplete submission may be treated as a more severe matter if a DOE contractor later determines that the initial submission was in error and does not correct it or if there were clear opportunities to identify the error.

### *XII. Secretarial Notification and Consultation*

The Secretary will be provided written notification of all enforcement actions involving proposed civil penalties. The Secretary will be consulted prior to taking action in the following situations:

- a. Proposals to impose civil penalties in an amount equal to or greater than the statutory limit;
- b. Any proposed enforcement action that involves a Severity Level I violation;
- c. Any action the Director believes warrants the Secretary's involvement; or
- d. Any proposed enforcement action on which the Secretary asks to be consulted.

[58 FR 43692, Aug. 17, 1993, as amended at 62 FR 52481, Oct. 8, 1997]

## PART 830—NUCLEAR SAFETY MANAGEMENT

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AUTHORITY: 42 U.S.C. 2201; and 7191.

SOURCE: 59 FR 15851, Apr. 5, 1994, unless otherwise noted.

#### § 830.1 Scope.

This part governs the conduct of the Department of Energy (DOE) management and operating contractors and other persons at DOE nuclear facilities.

#### § 830.2 Exclusions.

This part does not apply to:

- (a) Activities that are regulated through a license by the Nuclear Regulatory Commission (NRC) or a State under an Agreement with the NRC, including activities certified by the NRC under section 1701 of the Atomic Energy Act;
- (b) Activities conducted under the authority of the Director, Naval Nuclear Propulsion Program, as described in Public Law 98-525; or
- (c) Activities conducted under the Nuclear Explosives and Weapons Safety Program relating to the prevention of accidental or unauthorized nuclear detonations.

#### § 830.3 Definitions.

- (a) The following definitions apply to this part:

*Administrative Controls* mean provisions relating to organization and management, procedures, record keeping, assessment, and reporting necessary to ensure safe operation of a facility.

*Contractor* means any person under contract with the Department of Energy with responsibility to perform activities in connection with a nuclear facility.

*Department* or *DOE* means the Department of Energy.

*Document* means recorded information that describes, specifies, reports, certifies, requires, or provides data or results. A document is not considered a